

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Senthil Kumar, *et al.*

Serial No.: 10/035,921

Filed: October 27, 2001

Title: REMOTELY CONFIGURABLE MEDIA AND ADVERTISEMENT  
PLAYER AND METHODS OF MANUFACTURE AND  
OPERATION THEREOF

Grp./A.U.: 3622

Examiner: John W. Van Bramer

Confirmation No 2210

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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I hereby certify that this correspondence is being electronically filed  
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/Elizabeth Schumacher/  
(Signature of the person signing the certificate)

ATTENTION: Board of Patent Appeals and Interferences

Sirs:

**SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. §41.37**

This is an appeal from a Final Rejection dated May 19, 2008, of Claims 1-4, 6-11, 13-18, and 20-24. The Appellants originally submitted an Appeal Brief for the above application on January 12, 2009, with the statutory fee of \$270.00 as set forth in 37 C.F.R. §41.20(b)(2). In a Notification of Non-Compliant Appeal Brief mailed February 19, 2009, it was indicated that the Board of Patent

Appeals and Interferences (BPAI) returned the Appeal Brief because it does not comply with one or more provisions of 37 C.F.R. §41.37. More specifically, the Notification of Non-Compliant Appeal Brief indicated the Appeal Brief submitted on January 12, 2009 did not contain a statement of the status of all claims and did not contain a concise statement of each ground of rejection presented for review. Furthermore, the Notification of Non-Compliant Appeal Brief of February 19, 2009 indicated that only the defective sections need to be submitted.

Accordingly, the Appellants submit this Supplemental Appeal Brief that includes corrected section III, "Status of Claims" and corrected section VI, "Grounds of Rejection to be reviewed on Appeal." Since the statutory fee of \$270.00 has already been submitted, no further charges should be due at this time. However, the Appellants hereby authorize the Commissioner to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

Respectfully submitted,

**HITT GAINES, P.C.**



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Dated: March 19, 2009

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### III. STATUS OF THE CLAIMS

Claims 1-21 were originally submitted in the application. Claims 5, 12, and 19 were canceled without prejudice or disclaimer and Claims 22-24 were added. Claims 1-4, 6-11, 13-18 and 20-24 are pending in this application. Claims 1, 6, 8, 13, 15, 20, and 22-24 have been rejected under 35 U.S.C. §102(b). Claims 2-4, 7, 9-11, 14, 16-18, and 21 have been rejected under 35 U.S.C. §103(a). Each of the pending claims and are being appealed.

### VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The first issue presented for consideration in this appeal is whether Claims 1, 6, 8, 13, 15, 20, and 22-24, as rejected by the Examiner, are anticipated in accordance with 35 U.S.C. §102(b) by U.S. Patent No. 5,774,170 to Hite, *et al.* (hereinafter “Hite”). The second issue presented for consideration in this appeal is whether Claims 2-4, 7, 9-11, 14, 16-18, and 21, as rejected by the Examiner, are patentably non-obvious in accordance with 35 U.S.C. §103(a) over Hite in view of U.S. Patent Application Publication No. 2002/0054087 by Noll, *et al.* (hereinafter “Noll”).